

EXHIBIT A

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GD-11-006435

Goodman vs Patterson UTI Drilling LLC etal

| | | | |
|---------------------------|-------------------|------------------------|-------------------------|
| <i>Filing Date:</i> | 04/05/2011 | <i>Case Type:</i> | Contract - Other |
| <i>Filing Time:</i> | | <i>Court Type:</i> | General Docket |
| <i>Related Cases:</i> | -- | <i>Current Status:</i> | Complaint |
| <i>Judge:</i> | No Judge | <i>Jury Requested:</i> | No |
| <i>Amount In Dispute:</i> | \$.00 | | |

*Click on PartyID hyperlink to see Alternative name for the party.

| Parties | | | | | | | |
|-----------------|----------------------------|--------|-----|-----------|------------------------------|----------------------------|------------------|
| -- Litigants -- | | | | | | | |
| ID | LName | FName | MI | Type | Address | Initial Service Completion | Attorney |
| @1813669 | Goodman | Daniel | --- | Plaintiff | No Default Address Available | -- | Nalducci Walter, |
| @1813671 | Patterson-UTi Drilling LLC | --- | --- | Defendant | No Default Address Available | 5/26/2011 11:25 | -- |
| @1813670 | Patterson-UTi Energy Inc. | --- | --- | Defendant | No Default Address Available | 5/26/2011 11:25 | -- |

| -- Attorney -- | | | | | | |
|----------------|----------|--------|-----|----------------------|------------------------------|-------|
| ID | LName | FName | MI | Type | Address | Phone |
| 69256 | Nalducci | Walter | --- | Plaintiff's Attorney | No Default Address Available | -- |

| -- Non Litigants -- | |
|---------------------|--|
| No Listing | |

*Click on DocketType hyperlink to see Judgments for that Docket.

Document numbers in the DOCUMENT column may not be consecutive.

| Docket Entries | | | | |
|----------------|----------------|--|----------------|--------------------------------|
| Filing Date | Docket Type | Docket Text | Filing Party | Document |
| 06/18/2013 | Complaint | | Goodman Daniel | Document 5 |
| 06/02/2011 | Sheriff Return | Patterson-UTI Drilling LLC was served by Served - Adult Agent or person in charge of Defendant(s) office or usual place of business Service Upon | Goodman Daniel | Sheriff Return |

| | | | | |
|------------|-------------------------------------|---|----------------|--------------------------------|
| | | Sandra Schwalm- corp. op. spec. with Reissued Writ of Summons on 5/26/2011. | | |
| 06/02/2011 | Sheriff Return | Patterson-UTI Energy Inc. was served by Served - Adult Agent or person in charge of Defendant(s) office or usual place of business Service Upon Sandra Schwalm- corp. op. spec. with Reissued Writ of Summons on 5/26/2011. | Goodman Daniel | Sheriff Return |
| 05/06/2011 | Praecipe to Reissue Writ of Summons | | Goodman Daniel | Document 2 |
| 04/05/2011 | Praecipe for Writ of Summons | Returnable 05/05/11. | Goodman Daniel | Document 1 |

| Services | | | | | | | Complete Service History |
|---|----------------------------|--------------------------------------|--------------------------------|---------------|--------------|--------------|--|
| Desc | Name | Service Address | Person Served | Served By | Service Date | Service Time | Status |
| Praecipe to Reissue Summons | Patterson-UTI Drilling LLC | 116 Pine Street Harrisburg, PA 17101 | Sandra Schwalm-corp. op. spec. | Deputy Miller | 5/26/2011 | 11:25 | Served - Adult Agent or person in charge of Defendant(s) office or usual place of business |
| Praecipe to Reissue Summons | Patterson-UTI Energy Inc. | 116 Pine Street Harrisburg, PA 17101 | Sandra Schwalm-corp. op. spec. | Deputy Miller | 5/26/2011 | 11:25 | Served - Adult Agent or person in charge of Defendant(s) office or usual place of business |

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IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

DANIEL GOODMAN;

CIVIL DIVISION

Plaintiff,

v.

No.: *GD-11-6435*

PATTERSON-UTI ENERGY, INC.,
a Foreign Business Corporation; and
PATTERSON – UTI DRILLING LLC,
a Foreign Business Corporation,

**PRAECIPE TO A WRIT OF
SUMMONS IN CIVIL ACTION**

Defendants.

Code:

Filed on Behalf of:
Plaintiffs

Counsel of Record for
this Party:

Walter J. Nalducci, Esquire
Pa. I.D. #69256

CUTRUZZULA & NALDUCCI
3300 Grant Building
330 Grant Street
Pittsburgh, PA 15219
(412) 391-4040

A JURY TRIAL DEMANDED

OPS#ANNA1

04-05-2011 01:54:07

GD-11-006435

FILED

11 APR -5 PM 1:52

DEPT. OF COURT RECORDS
CIVIL/FAMILY DIVISION
ALLEGHENY COUNTY PA

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

DANIEL GOODMAN;

Plaintiff,

v.

PATTERSON-UTI ENERGY, INC.,
a Foreign Business Corporation; and
PATTERSON – UTI DRILLING LLC,
a Foreign Business Corporation,

Defendant.

CIVIL DIVISION

No. *GD-11-6435*

PRAECIPE FOR WRIT OF SUMMONS IN CIVIL ACTION

TO: DEPARTMENT OF COURT RECORDS

Kindly issue a Writ of Summons in Civil Action in the above captioned matter.

Respectfully submitted,

CUTRUZZULA & NALDUCCI

By: 

Walter J. Nalducci, Esquire
Attorney for Plaintiff

IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

DANIEL GOODMAN;

CIVIL DIVISION

Plaintiff,

v.

No.: GD-11-006435

PATTERSON-UTI ENERGY, INC.,
a Foreign Business Corporation; and
PATTERSON – UTI DRILLING LLC,
a Foreign Business Corporation,

**PRAECIPE TO REISSUE A
WRIT OF SUMMONS**

Defendants.

Code:

Filed on Behalf of:
Plaintiffs

Counsel of Record for
this Party:

Walter J. Nalducci, Esquire
Pa. I.D. #69256

CUTRUZZULA & NALDUCCI
3300 Grant Building
330 Grant Street
Pittsburgh, PA 15219
(412) 391-4040

A JURY TRIAL DEMANDED

DEPT OF COURT RECORDS
CIVIL FAMILY DIVISION
ALLEGHENY COUNTY PA

11 MAY -6 AM 11:45

FILED



IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA

| | | |
|-------------------------------------|---|-----------------|
| DANIEL GOODMAN; |) | CIVIL DIVISION |
| |) | |
| Plaintiff, |) | |
| |) | No. GD-11006435 |
| v. |) | |
| |) | |
| PATTERSON-UTI ENERGY, INC., |) | |
| a Foreign Business Corporation; and |) | |
| PATTERSON – UTI DRILLING LLC, |) | |
| a Foreign Business Corporation, |) | |
| |) | |
| Defendant. |) | |

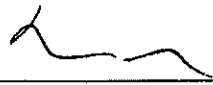
PRAECIPE TO REISSUE A WRIT OF SUMMONS

TO: DEPARTMENT OF COURT RECORDS

Kindly reissue a Writ of Summons in Civil Action in the above captioned matter.

Respectfully submitted,

CUTRUZZULA & NALDUCCI

By: 
Walter J. Nalducci, Esquire
Attorney for Plaintiff

SHERIFF RETURN

Case No : GD-11-006435
Case Description : Goodman vs Patterson UTI Drilling LLC etal
Defendant : Patterson-UTI Energy Inc.
Service Address : 116 Pine Street Harrisburg, PA 17101 Dauphin
Writ Description : REISSUED WRIT OF SUMMONS
Issue Date : 5/6/2011

Service Status : Served - Adult Agent or person in charge of Defendant(s)
office or usual place of business
Served Upon : Sandra Schwalm- corp. op. spec.
Served By : Deputy Miller
Served on : Thursday, May 26, 2011 at 11:25
Service Method : Person In Charge

Daniel Goodman

vs

Patterson-UTI Energy Inc.
Patterson-UTI Drilling LLC

SHERIFF RETURN

Case No : GD-11-006435
Case Description : Goodman vs Patterson UTI Drilling LLC etal
Defendant : Patterson-UTI Drilling LLC
Service Address : 116 Pine Street Harrisburg, PA 17101 Dauphin
Writ Description : REISSUED WRIT OF SUMMONS
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Served By : Deputy Miller
Served on : Thursday, May 26, 2011 at 11:25
Service Method : Person In Charge

Daniel Goodman

vs

Patterson-UTI Energy Inc.
Patterson-UTI Drilling LLC

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA**

DANIEL GOODMAN;

CIVIL DIVISION

Plaintiff,

v.

No.: GD-11-006435

PATTERSON-UTI ENERGY, INC.,
a Foreign Business Corporation; and
PATTERSON – UTI DRILLING LLC,
a Foreign Business Corporation,

COMPLAINT

Defendants.

Code:

Filed on Behalf of:
Plaintiffs

Counsel of Record for
this Party:

Walter J. Nalducci, Esquire
Pa. I.D. #69256

CUTRUZZULA & NALDUCCI
3300 Grant Building
330 Grant Street
Pittsburgh, PA 15219
(412) 391-4040

A JURY TRIAL DEMANDED

**IN THE COURT OF COMMON PLEAS OF ALLEGHENY COUNTY,
PENNSYLVANIA**

| | | |
|-------------------------------------|---|-----------------|
| DANIEL GOODMAN; |) | CIVIL DIVISION |
| |) | |
| Plaintiff, |) | |
| |) | No. GD-11006435 |
| v. |) | |
| |) | |
| PATTERSON-UTI ENERGY, INC., |) | |
| a Foreign Business Corporation; and |) | |
| PATTERSON – UTI DRILLING LLC, |) | |
| a Foreign Business Corporation, |) | |
| |) | |
| Defendant. |) | |

NOTICE TO DEFEND

You have been sued in Court. If you wish to defend against the claims set forth in the following pages, you must take action within twenty (20) days after this Complaint and Notice are served, by entering written appearance personally or by attorney and filing in writing with the Court your defenses or objections to the claims set forth against you. You are warned that if you fail to do so, the case may proceed without you and a judgment may be entered against you by the court without further notice for any money claimed in the complaint or for any other claim or relief requested by the Plaintiff. You may lose money or property or other rights important to you.

**YOU SHOULD TAKE THIS PAPER TO YOUR LAWYER AT ONCE. IF
YOU DO NOT HAVE A LAWYER OR CANNOT AFFORD ONE, GO TO OR
TELEPHONE THE OFFICE SET FORTH BELOW TO FIND OUT WHERE YOU
CAN GET LEGAL HELP**

**LAWYER REFERREL SERVICE
THE ALLEGHENY COUNTY BAR ASSOCIATION
400 Koppers Building -436 Seventh Avenue
Pittsburgh, PA 15219
(412)261-5555**

COMPLAINT

A JURY TRIAL DEMANDED

AND NOW, comes the Plaintiff, Daniel Goodman, by and through his attorney, Walter Nalducci, Esquire of Cutruzzula & Nalducci and files this action against the Defendant upon a set of particulars of which the following is a statement:

1. That Daniel Goodman is an individual who resides at 19 Davonshire Drive Pittsburgh, PA 15238.
2. That Patterson-UTI Energy, Inc. is a Foreign Business Corporation with a CT Corporation address of 116 Pine Street, Harrisburg, PA 17101.
3. That Patterson-UTI Drilling, Inc., a Foreign Business Corporation with a CT Corporation address of 116 Pine Street, Harrisburg, PA 17101.
4. That Plaintiff was hired by Defendants Patterson-UTI Drilling, Inc. and/or UTI Patterson-Energy, Inc. as a roughneck on a drilling rig on March 3, 2010, wherein he was provided medical benefits as part of said employment.
5. That on or about March 24, 2010 Plaintiff, while an employee of Defendants, Patterson-UTI Drilling, Inc. and/or Patterson-UTI Drilling, Inc., wherein he was injured picking up 100 pound drilling slats.
6. That as a result of his accident, Plaintiff experienced a herniated L5-S1 disc with lumbar radiculopathy and exacerbated spinal stenosis requiring extensive medical treatment including surgical intervention that included a fusion of his L5-S1 discs.
7. That on July 7, 2010m after his injury, Plaintiff was terminated from his employment and his health insurance terminated.

8. That when Plaintiff's employment with Defendants, Patterson UTI Drilling, Inc. and/or Patterson-UTI Energy, Inc. was terminated, he requested a package explaining his rights to obtain COBRA continuing healthcare coverage. Defendants never responded to that request.

9. That Plaintiff was never offered benefits under the Consolidated Omnibus Budget Reconciliation Act of 1984 ("COBRA").

10. That this is a civil enforcement action brought pursuant to sections 502(a)(1)(A), (a)(1)(B), (a)(3), and (c)(1) of the Employee Retirement Income Security Act of 1974 ("ERISA"), 29 U.S.C. §§ 1132(a)(1)(A), (a)(1)(B), (a)(3), and (c)(1) concerning the failure of Defendants, Patterson-UTI Drilling, Inc., and Patterson-UTI Energy, Inc., as Plaintiff's employer and/or plan sponsor of the Health Plan, to provide Plaintiff with his right to elect continuation coverage under the Omnibus Budget Reconciliation Act of 1985 ("COBRA"). That because Defendants, Patterson-UTI Drilling, Inc., and Patterson-UTI Energy, Inc., as Plaintiff's employer and/or plan sponsor, did not provide COBRA coverage to Plaintiff, Defendants failed to provide the notices required by COBRA and the American Recovery and Reinvestment Act of 2009, as amended ("ARRA") informing Plaintiff of his rights under those provisions of ERISA.

11. That Defendants, Patterson-UTI Drilling, Inc., and Patterson-UTI Energy, Inc., as Plaintiff's employer and/or plan sponsor, likewise, did not notify the Administrator of the COBRA qualifying events described in sections §§ 603(1),(2), (4) and (6) of ERISA, 29 U.S.C. §§ 1163(1),(2), (4) and (6). That additionally, Defendants, Patterson-UTI Drilling, Inc., and Patterson-UTI Energy, Inc., as Plaintiff's employer

and/or plan sponsor, failed to give Plaintiff a Summary Plan Description as required by ERISA § 104(b)(1), 29 U.S.C. § 1024(b)(1).

12. That Defendants, Patterson-UTI Drilling, Inc., and Patterson-UTI Energy, Inc., as Plaintiff's employer and/or plan sponsor, failure to provide COBRA coverage deprived Plaintiff of necessary health coverage to which he was entitled by law. The failure of Defendants, Patterson-UTI Drilling, Inc., and Patterson-UTI Energy, Inc., as Plaintiff's employer and/or plan sponsor, to provide statutorily required COBRA notice and a statutorily mandated Summary Plan Description prevented Plaintiff from exercising their rights to COBRA coverage and made Defendants, Patterson-UTI Drilling, Inc., and Patterson-UTI Energy, Inc., as Plaintiff's employer and/or plan sponsor, liable to Plaintiff for statutory penalties of up to \$110 a day.

COUNT I

DANIEL GOODMAN, PLAINTIFF v. PATTERSON-UTI DRILLING, INC., AND PATTERSON-UTI ENERGY INC., DEFENDANTS

(Violation of ERISA § 601)

13. That Plaintiff, Daniel Goodman, hereby incorporates by reference each and every allegation obtained in Paragraph 1 through 12, inclusive, as fully as if the same had been set forth herein at length.

14. That ERISA § 601, 29 U.S.C. § 1161, requires a plan sponsor of a group health plan to provide, in accordance with part 6 of Title I of ERISA, that each qualified beneficiary who would lose coverage under the plan as a result of a qualifying event is entitled, under the plan, to elect, within an election period, continuation coverage under the plan.

15. That Defendants, Patterson-UTI Drilling, Inc., and Patterson-UTI Energy, Inc., as Plaintiff's employer and/or plan sponsor, failed to provide COBRA coverage to Plaintiff, as their employee and, therefore, violated ERISA § 601, 29 U.S.C. § 1161, by failing to provide, in accordance with part 6 of Title I of ERISA, that each qualified beneficiary who would lose coverage as a result of a qualifying event is entitled, under the plan, to elect, within an election period, continuation coverage under the plan.

COUNT II

**DANIEL GOODMAN, PLAINTIFF v. PATTERSON-UTI DRILLING, INC., AND
PATTERSON-UTI ENERGY INC., DEFENDANTS**

(Violation of ERISA § 104)

16. Plaintiff, Daniel Goodman, hereby incorporates by reference each and every allegation obtained in Paragraph 1 through 12, inclusive, as fully as if the same had been set forth herein at length.

17. That ERISA § 104, 29 U.S.C. § 1024, requires a plan administrator to provide each participant and each beneficiary receiving benefits under a plan with a Summary Plan Description as described in ERISA § 102, 29 U.S.C. § 1022.

18. That Defendant, Patterson-UTI Drilling, Inc., and Patterson-UTI Energy, as plan sponsor, failed to provide Plaintiff, as their employee, with a Summary Plan Description as required by ERISA § 104, 29 U.S.C. § 1024, thereby violating that provision of ERISA.

COUNT III

**DANIEL GOODMAN, PLAINTIFF v. PATTERSON-UTI DRILLING, INC., AND
PATTERSON-UTI ENERGY INC., DEFENDANTS**

(Violation of ERISA § 606(a)(1))

19. That Plaintiff, Daniel Goodman hereby incorporates by reference each and every allegation obtained in Paragraph 1 through 12, inclusive, as fully as if the same had been set forth herein at length.

20. That ERISA § 606(a)(1), 29 U.S.C. § 1166(a)(1), requires a group health plan, at the time of commencement of coverage under the plan, to provide written notice to each covered employee and spouse of the employee (if any) of their rights under COBRA.

21. That Defendants, Patterson-UTI Drilling, Inc., and Patterson-UTI Energy, Inc., as Plaintiff's employer and/or plan sponsor, failed to provide, at the commencement of coverage under the Plan, written notice to Plaintiff, as their employee his rights under COBRA in violation of ERISA § 606(a)(1), 29 U.S.C. § 1166(a)(1). Because Plaintiff was not advised of his COBRA rights, Plaintiff did not have notice, among other things, that he was responsible under ERISA § 606(a)(3), 29 U.S.C. § 1166(a)(3), for notifying the Plan Administrator of the occurrence of qualifying events described in ERISA § 603(3) and/or (5), 29 U.S.C. § 1163(3) and/or (5).

COUNT IV

DANIEL GOODMAN, PLAINTIFF v. PATTERSON-UTI DRILLING, INC., AND
PATTERSON-UTI ENERGY INC., DEFENDANTS

(Violation of ERISA § 606(a)(2) and (4))

22. That Plaintiff, Daniel Goodman, hereby incorporates by reference each and every allegation obtained in Paragraph 1 through 12, inclusive, as fully as if the same had been set forth herein at length.

23. That ERISA § 606(a)(2), 29 U.S.C. § 1166(a)(2), requires an employer of an employee under a group health plan to notify the administrator of qualifying events described in paragraph (1), (2), (4), or (6) of ERISA § 603, 29 U.S.C. § 1163, within 30 days of the of the date of the qualifying event.

24. That ERISA § 606(a)(4), 29 U.S.C. § 1166(a)(4), requires an administrator of a group health plan, at the time of a qualifying event, to notify any qualified beneficiary of the beneficiary's right to elect COBRA coverage.

25. That Defendants, Patterson-UTI Drilling, Inc., and Patterson-UTI Energy, Inc., as Plaintiff's employer and/or plan sponsor, were aware of qualifying events described in paragraph (1), (2), (4), and/or (6) of ERISA § 603, 29 U.S.C. § 1163, and, therefore, had a duty to notify any qualified beneficiary including Plaintiff of his or her right to elect COBRA coverage as required by ERISA § 606(a)(4), 29 U.S.C. § 1166(a)(4).

26. That Defendants, Patterson-UTI Drilling, Inc., and Patterson-UTI Energy, Inc., as Plaintiff's employer and/or plan sponsor, failed to provide, at the time of qualifying events, written notice to Plaintiff, as their employee of his rights under the COBRA provisions of ERISA in violation of ERISA § 606(a)(4), 29 U.S.C. § 1166(a)(4).

COUNT VI

**DANIEL GOODMAN, PLAINTIFF v. PATTERSON-UTI DRILLING, INC., AND
PATTERSON-UTI ENERGY INC., DEFENDANTS**

(Violation of ARRA § 3001(a)(7)(A), (B) and (C))

27. That Plaintiff, Daniel Goodman, hereby incorporates by reference each and every allegation obtained in Paragraph 1 through 12, inclusive, as fully as if the same had been set forth herein at length.

28. That ARRA § 3001(a)(7)(A), (B) and (C), Pub. L. No. 111-5, § 3001(a)(7)(A-C), 123 Stat. 115, 458-460 (February 17, 2009), requires that the notice provided under ERISA 17 § 606(a)(4) by plan administrators to persons eligible to receive the 65 percent premium reduction include notification of the availability of the premium reduction. ARRA further requires plan administrators to notify certain assistance eligible individuals that they have an extended period of time in which to elect COBRA coverage subject to the 65 percent premium reductions. The DOD Act, TEA and CEA each required plan administrators to provide additional notices to assistance eligible individuals of the availability of the 65 percent premium reduction.

29. That Defendants, Patterson-UTI Drilling, Inc., and Patterson-UTI Energy, Inc., as Plaintiff's employer and/or plan sponsor, failed to give notice to assistance eligible individuals that they had an opportunity to elect COBRA continuation coverage and, therefore, also failed to notify such assistance eligible individuals that they were eligible for the 65 percent premium reduction and that the period to elect COBRA coverage had been extended in violation of ARRA § 3001(a)(7)(A)(i), as amended.

PRAYER FOR RELIEF

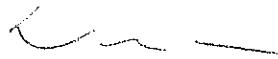
**DANIEL GOODMAN, PLAINTIFF v. PATTERSON-UTI DRILLING, INC., AND
PATTERSON-UTI ENERGY INC., DEFENDANTS**

WHEREFORE, Plaintiff demands judgment against Defendant Patterson-UTI Drilling, Inc., and Patterson-UTI Energy, as plan sponsor, on each Count of the Complaint and the following relief:

1. An order requiring Defendants to reimburse all qualified beneficiaries for:
 - a. Insurance premiums Plaintiff has paid for medical insurance during the time period that he would have been covered by the Defendant Health Plan if they had been given the opportunity to elect continuing coverage.
2. An order requiring Defendant, to pay penalties of \$110 per day to:
 - a. Plaintiff from the date of commencement of coverage under his health plan until the present for the failure to provide a Summary Plan Description as required by ERISA § 104, 29 U.S.C. § 1024, and the notice required by ERISA § 606(a)(1), 29 U.S.C. § 1166(a)(1);
3. The cost of the suit, including attorneys' fees under ERISA § 502(g)(1), 29 U.S.C. § 1132(g)(1).
4. Pre-judgment and post-judgment interest
5. Other relief that the Court deems appropriate.

Respectfully, submitted

CUTRUZZULA & NALDUCCI

By: 

Walter Nalducci, Esquire
Attorney for Plaintiff

A JURY TRIAL DEMANDED


CERTIFICATE OF SERVICE

I, Walter J. Nalducci, Esquire, hereby certify that I served a true and correct copy of the foregoing Complaint upon the following via U.S. Mail, this date:

Patterson UTI Drilling, Inc.
116 Pine Street
Harrisburg, PA 17101

Patterson UTI Energy, Inc.
116 Pine Street
Harrisburg, PA 17101

Date: 6/15/2013



Walter J. Nalducci, Esquire
Attorney for Plaintiff